Amendment and Response
Applicant: Ivan Farkas et al.
Serial No.: 10/743,610
Filed: Dec. 22, 2003
Docket No.: 200312771-1
Title: SYSTEM AND METHOD FOR STORING AN IMAGE FILE IN A COMPUTER SYSTEM

REMARKS

The following remarks are made in response to the Office Action mailed Oct. 21, 2005. Claims 1-25 were rejected. With this Response, claims 1, 14, 17, 19 and 22-24 have been amended. Claims 2 and 3 have been canceled without prejudice as to the subject matter contained therein. Claims 1 and 4-25 remain pending in the application and are presented for reconsideration and allowance.

Double Patenting

Claims 1-25 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of co-pending Application No. 10/743,619. Although Applicants respectfully traverse this rejection, Applicants submit herewith a terminal disclaimer in compliance under 37 CFR 1.321(c). Accordingly, Applicants respectfully request the withdrawal of the rejection under the judicially created doctrine of obviousness-type double patenting.

Claim Rejections under 35 U.S.C. § 102

Claims 1-5, 8, 14-16 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,188,602 (Alexander).

Claims 17-21 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,948,031 (Chilton). Applicants respectfully note that the date of patent of Chilton, September 20, 2005, is subsequent to the filing date of the present application, December 22, 2003. Accordingly, Chilton does not appear to qualify as prior art under 35 U.S.C. §102(b). To expedite prosecution of the present application, Applicants will respond to the rejection as if the rejection were made under 35 U.S.C. §102(e).

Claim 1, as amended, recites, *inter alia*:

> a management processing system coupled to the I/O controller and comprising a non-volatile memory configured to store first firmware and a network connection that is configured to provide a remote user with access to the computer system, the

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> management processing system configured to execute the first
> firmware to provide status information associated with the
> computer system to the remote user using the network connection;
> ....

Alexander teaches a "firmware hub 110 [that] stores system and video basic input/output systems, generates random numbers for security features, provides register-based read and write protection for code/data storage blocks, and includes a command user interface (CUI) for requesting access to locking programming, and erasing options in firmware hub 110". Column 3, lines 37-45. Alexander also teaches a "[f]lash memory 212 in firmware hub 110 [that] includes a locking scheme ... ." Column 3, lines 52-54.

Alexander does not teach or suggest "a management processing system ... comprising ... a network connection that is configured to provide a remote user with access to the computer system" as recited in claim 1. In particular, Alexander does not teach that firmware hub 110 comprises "a network connection that is configured to provide a remote user with access to the computer system" as recited in claim 1.

Alexander also does not teach or suggest a "management processing system configured to execute the first firmware to provide status information associated with the computer system to the remote user using the network connection" as recited in claim 1. In particular, Alexander does not teach that firmware hub 110 is "configured to execute the first firmware to provide status information associated with the computer system to the remote user using the network connection" as recited in claim 1.

Accordingly, Applicants respectively submit that claim 1 patentably distinguishes over the cited references for at least these reasons.

Claims 2-5, 8, and 14-16 depend from claim 1 and are believed to patentably distinguish over the cited references for at least the above reasons. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 1-5, 8, and 14-16 under 35 U.S.C. §102(b).

Claim 17 as amended recites, *inter alia*:

> providing a start upgrade message to a management
> processing system using an input / output (I/O) bus, the

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> management processing system including a non-volatile memory
> configured to store firmware and a network connection that is
> configured to provide a remote user with access to the computer
> system, the management processing system configured to execute
> the firmware to provide status information associated with the
> computer system to the remote user using the network connection;
> ....

As noted in the Office Action with reference to claim 22, Chilton does not teach or suggest "a management processing system" as recited in claim 17. Thus, Chilton does not teach or suggest "providing a start upgrade message to a management processing system using an input / output (I/O) bus" as recited in claim 17. Accordingly, Applicants respectively submit that claim 17 patentably distinguishes over the cited reference for at least these reasons.

Claims 18-21 depend from claim 17 and are believed to patentably distinguish over the cited references for at least the above reasons. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 17-21 under 35 U.S.C. §102(b).

Claim Rejections under 35 U.S.C. § 103

Claims 6-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Alexander in view of U.S. Patent No. 6,816,963 (Krithivas).

Claims 9-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Alexander in view of Chilton.

Claims 22-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chilton in view of Alexander.

Claims 6 and 7 depend from claim 1. Alexander does not teach or suggest the features of claim 1 noted above with reference to claim 1. In addition, Krithivas does not teach or suggest these features of claim 1. Because neither Alexander nor Krithivas teach or suggest the features of claim 1 noted above, the combination of Alexander and Krithivas cannot support a rejection of claims 6 and 7 under 35 U.S.C. §103(a). Accordingly, Applicants respectively submit that claims 6 and 7 patentably distinguish over the cited references for at least these reasons respectfully request the withdrawal of the rejection of claims 6 and 7 under 35 U.S.C. §103(a).

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Claims 9-13 depend from claim 1. Alexander does not teach or suggest the features of claim 1 noted above with reference to claim 1. In addition, Chilton does not teach or suggest these features of claim 1. Because neither Alexander nor Chilton teach or suggest the features of claim 1 noted above, the combination of Alexander and Chilton cannot support a rejection of claims 9-13 under 35 U.S.C. §103(a). Accordingly, Applicants respectively submit that claims 9-13 patentably distinguish over the cited references for at least these reasons and respectfully request the withdrawal of the rejection of claims 9-13 under 35 U.S.C. §103(a).

Claim 22 as amended recites, *inter alia*:

> a management processing system coupled to the I/O
> controller and comprising a non-volatile memory configured to
> store firmware and a network connection that is configured to
> provide a remote user with access to the computer system, the
> management processing system configured to execute the firmware
> to provide status information associated with the computer system
> to the remote user using the network connection; ....

As noted in the Office Action, Chilton does not teach or suggest this feature of claim 22. In addition, Alexander does not teach or suggest this feature of claim 22 as noted above with reference to claim 1. Because neither Chilton nor Alexander teach or suggest this feature of claim 22, the combination of Chilton and Alexander cannot support a rejection of claim 22 under 35 U.S.C. §103(a). Accordingly, Applicants respectively submit that claim 22 patentably distinguishes over the cited references for at least these reasons.

Claims 23-25 depend from claim 22 and are believed to patentably distinguish over the cited references for at least the above reasons. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 22-25 under 35 U.S.C. §103(a).

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1 and 4-25 are in form for allowance and are not taught or suggested by the cited references. Therefore,

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reconsideration and withdrawal of the rejections and allowance of claims 1 and 4-25 is respectfully requested.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either David A. Plettner at Telephone No. (408) 447-3013, Facsimile No. (408) 447-0854 or Christopher P. Kosh at Telephone No. (512) 231-0533, Facsimile No. (512) 231-0540. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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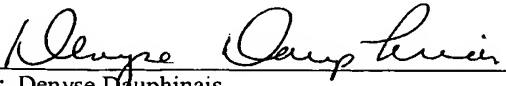Facsimile: (612) 573-2005

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